

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MICHAEL A. CARTER and MEREDITH CARTER,

Plaintiffs,

-against-

36 HUDSON ASSOCIATES, LLC., JOSEPH PELL  
LOMBARDI & ASSOCIATES, ARCHITECTS,  
JOSEPH PELL LOMBARDI, TRIBECA 22  
INVESTMENT LTD., SERVET HARUNOGLU,  
ONURHAN HOMRIS, ADG ARCHITECTURE &  
DESIGN, P.C.,

Defendants.

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36 HUDSON ASSOCIATES, LLC.,

Third Party Plaintiff,

-against-

FBR CONSTRUCTION GROUP LLC  
And JAY FURMAN,

Fourth party defendants.

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FBR CONSTRUCTION GROUP LLC  
And JAY FURMAN,

Fourth Party Plaintiffs,

-against-

L'ABBAYE REAL ESTATE, LLC., DAMO  
CONSTRUCTION CO, INC. and ZR  
CONTINENTAL CORP.,

Fourth Party Defendants.

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DEMAND FOR  
VERIFIED BILL  
OF PARTICULARS

09-cv-4328(DLC)

**PLEASE TAKE NOTICE**, pursuant to the Federal Rules of Civil Procedure, the fourth-party plaintiffs are required to serve upon the undersigned within thirty (30) days of receipt of this demand, a Verified Bill of Particulars as to the following:

1. State the acts and/or omissions constituting the claim that the work performed by the defendant ZR CONTINENTAL CORP. was defective.

2. State, with particularity, the acts and/or omissions constituting the negligence on the part of the fourth-party defendant, ZR CONTINENTAL CORP. as alleged in the fourth party complaint.

3. State, with particularity, the manner in which it is alleged that the defendant ZR CONTINENTAL CORP. wrongfully altered, damaged and replaced certain work performed and materials furnished by the fourth party plaintiff in the basement.

4. State, with particularity, the acts and/or omissions constituting the claim that the fourth party defendant ZR CONTINENTAL CORP. interfered with the fourth party plaintiff's work under the construction contract.

5. State the damages alleged as a result of the acts and/or omissions as alleged against the fourth party defendant ZR CONTINENTAL CORP.

6. State the acts and/or omissions constituting the claim that the fourth party defendant ZR CONTINENTAL CORP.'s work was defective and breached any duty owing to the fourth party plaintiff herein.

7. State, with particularity, the damages alleged as a result of the allegation that the fourth party defendant ZR CONTINENTAL CORP. negligently or intentionally performed work to

- a) pipe insulation
- b) ceiling insulation
- c) HVAC risers for residential units
- d) active risers

- e) ventilation systems
- f) firestopping
- g) heating units
- h) ceiling mounted air conditioning units
- i) commercial kitchen exhaust duct and fan
- j) lowering of basement floor elevation
- i) claims involving the ejector pit
- k) structural beams and walls
- l) structural layout of the basement

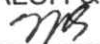
m) ventilation systems, boiler duct work, HVAC duct work, sanitary and storm drain lines, potable water lines, HVAC coolant and heating lines, fire alarms systems and basement system branch lines.

8. Set forth a true, correct and complete copy of any and all bills of particulars and/or answers to interrogatories previously served in the above matter.

9. With respect to the allegations in the fourth-party Complaint, set forth each and every act and/or omission constituting the alleged negligence on the part of the fourth-party defendant, ZR CONTINENTAL CORP.

DATED: White Plains, New York  
September 13, 2010

Yours, etc.,

HODGES, WALSH & SLATER LLP  
By: 

STEPHEN H. SLATER  
Attorneys for Fourth Party Defendant  
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